

16/00470/FUL

**Proposed extension to create a granny annex and construction of a new house
at The Croft, South Back Lane, Tollerton
for Mrs M Hardy**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Croft, South Back Lane, Tollerton is a modern detached dormer bungalow which sits in the south western portion of its plot with a concrete base of a former agricultural building on the other half of the plot. Established shrubs form the south-western boundary of the application site. The front (south-eastern) boundary is formed of a mature hedge. The north-east and north-west boundaries of the site are delineated by a 2m high close boarded timber fence.
- 1.2 The application is in two parts. First, an extension to the north-eastern side of the Croft to form a new annexe. This would extend the Croft to the side by 5.8m with the first floor including new dormer windows to the front and rear of the property. Second, a two-storey, five-bedroom detached dwelling with an associated garage and utility room. Access to the new dwelling would be from a private drive, constructed of loose stone, leading to Main Street to the north. The main body of the house would measure 13.6m by 8.6m with the garage and utility measuring 6m by 6.6m. The new dwelling would be approximately 2.5m from the extended The Croft at the narrowest point rising to approximately 3.5m at the widest point.
- 1.3 Tollerton is a Secondary Village in the Hambleton Sustainable Settlement Hierarchy. Development Limits wrap around the Croft and therefore the proposed annexe would be within Development Limits whilst the proposed new dwelling would be outside.
- 1.4 The site is within the Tollerton Conservation Area, which extends to South Back Lane.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01148/OUT - Outline application for the construction of a dwelling with attached garage and formation of vehicular access; Refused 26 January 2015.

The application proposed vehicular access from South Back Lane. The sole reason for refusal related to the harmful impact that access would have on highway safety as South Back Lane is substandard in terms of its width, alignment and visibility at the junction with Newton Road. It was therefore considered unsuitable to cater for the traffic that would be generated by an additional dwelling.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Tollerton Parish Council - No comment received.

4.2 Highway Authority - No objection. The Local Highway Authority has previously recommended refusal of an earlier application that used South Back Lane to serve a new dwelling. This application proposes the new dwelling to be served from Main Street and this overcomes that earlier concern. It is also proposed to construct an annex to the existing dwelling and provided this remains ancillary to The Croft then the Local Highway Authority would offer no objection. Conditions related to parking and turning areas, mud on the highway and construction management are recommended should planning permission be granted.

4.3 Environmental Health Officer – No objection

4.4. Public comment - 7 letters of objection have been received. The grounds of objection are:

- The strain on village amenities including sewerage, water and electricity;
- Previous refusal;
- Additional traffic on South Back Lane;
- Traffic and safety on Main Street - access is narrow and the splay at Main Street is insufficient;
- The size of the new dwelling is disproportionate;
- The proposal is not in keeping with the Conservation Area;
- The Proposal would harm the amenities of neighbours, in particular The Saddlery and The Granary;
- Insufficient detail within relating to landscaping and boundary treatments;
- It would set a precedent for other developments;
- The annexe is two-storey, which would be inappropriate for elderly people; and
- Ownership of the private access drive being in dispute - there are registered disputes in land title ongoing

4.5 One letter of support has also been received, stating:

- The proposed extension would seem to make perfect sense;
- The provision of a variety in the housing stock of the village plays an important part in maintaining the viability of local services such as the village pub and shop;
- The existing land is largely concreted over and serves no useful function; and

- Use of the existing drive in Manor Close would also remove any objection based on the grounds of increased traffic in South Back Lane.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) flooding and drainage; and (v) the likely highway impact and parking provision. Some objectors have raised civil matters that are not material to the planning decision but which are explained below.

The principle of development

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District.
- 5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. As stated the site is adjacent to Development Limits with only the proposed annexe being within them. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. The hard surface of the former agricultural building is also noted. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site. Other sites off South Back Lane were supported on appeal due prior to the adoption of the IPG to the close relationship of those sites to the form of the village. Notwithstanding the history each case must be treated on its own merits and the circumstances of each site.

The character and appearance of the Conservation Area

- 5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133

and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.6 The Croft is an unusual building in the context of the Conservation Area, being set back from the road frontage and of a scale that is uncommon with dwellings and their associated buildings being either single storey or full two storeys. That said the extensions to the Croft to form an annexe would be in keeping with the character, style, scale and mass of the existing property. However the detail of the proposed fenestration does not align with the ground floor windows as in the existing house and lengthening the house would alter its character. Whilst an amended annexe may prove to be acceptable, the annexe as submitted therefore would not be acceptable in principle, would not preserve or enhance the character of the Conservation Area.
- 5.7 The proposed dwelling would be a full two-storey proposal. This is considered to reflect the character and appearance of the Conservation Area in general but the proposal needs to be considered in terms of relationship with neighbouring properties and the impact it would have on them and the overall character of the site.
- 5.8 It is noted that the planning application 14/01148/OUT was not refused on character grounds, so its layout was considered acceptable. The dwelling under consideration is now set in line with The Croft and closer to the boundary with the Saddlery and would be larger than previously proposed. The previous application indicated a two-storey building positioned forward of The Croft and set away from the boundaries.
- 5.9 Because of the change in access since the previous application, the proposed dwelling would face the Saddlery rather than echoing the character of the Conservation Area and facing the street. For this reason, and with no pedestrian access to South Back Lane, the proposal would not relate well to The Croft and would present a rear elevation to South Back Lane which would be out of keeping with the frontage character of development in the village.
- 5.10 The scale of the proposed dwelling also raises concern. It would be approximately 1.75m higher than The Croft and positioning the building towards the rear of the site would be uncharacteristic. Further the scale, bulk and mass of the building would appear substantial in comparison to the neighbouring building of The Croft. Whilst the proposed dwelling seeks to replicate features of the surrounding area, specifically bay windows and architectural detailing on Little Grange, which fronts Main Street, the overall design, scale and mass are not compatible with the neighbouring property, The Croft.
- 5.11 Cumulatively, the proposal introduces a significant element of building to South Back Lane, with little gap between the extended Croft and the new dwelling. This would also be out of keeping with the character of this part of the Conservation Area.

Residential amenity

- 5.12 Careful consideration is required to the amenities of The Croft and the Saddlery in particular. There would be reasonable separation from other properties. The extension to The Croft can be considered acceptable as a continuation of the existing relationship with neighbouring properties and whilst this would extend the bulk and mass of The Croft, it is not considered that it would generate significant harm to neighbouring amenities from loss of light, privacy or overlooking to warrant a refusal on residential amenity grounds.
- 5.13 As previously stated the relationship of the new dwelling to the Croft would be awkward. Further the relationship with The Saddlery would be unusual; the dwelling

would be set off the boundary, with limited first floor windows and at an oblique angle to the views from the existing properties.

- 5.14 On balance, although there would be a significant change to the outlook from neighbouring properties, it is considered that the proposal would not cause harm to the amenities of the neighbouring occupiers that would justify a refusal of planning permission.

Flooding and drainage

- 5.15 At present the application site is hard surfaced and therefore the proposal would improve the on-site drainage situation by removing hard surfacing. It is therefore considered that the proposal would not cause significant harm in this regard and that a suitable scheme could be secured by condition should planning permission be granted.

Highway impact and parking provision

- 5.16 The concerns of residents and the grounds of the previous refusal are noted. The current proposal would now access Main Street via a private drive. Whilst the Highway Authority has yet to offer comment, it is noted that although the private drive is narrow at the access point, there would be sufficient space within the property to turn and exit the property. An additional property using the drive is not considered to be significant to the characteristics of the junction and measurements have demonstrated that reasonable visibility would be available up and down Main Street. The proposal would not cause a severe impact on highway safety.
- 5.17 The proposed annexe would increase traffic on South Back Lane. However, it would be occupied as an extension to The Croft and use the existing access point. Therefore the proposals would be unlikely to increase the amount of traffic from the site or alter the access. Ensuring that the annexe remains ancillary to The Croft would therefore be crucial in consideration of the matter of highway safety and that any separate highway impact from a new dwelling either via a new access or the existing access can be considered in relation to its impact on highway safety.
- 5.18 Therefore, on balance and taking account of all matters, it is considered that the proposal is acceptable in highway terms.

Civil matters

- 5.19 As indicated in paragraph 5.1, civil matters should not influence planning decisions. It is noted that neighbouring residents have raised questions about the ownership and maintenance of the private drive. However, the applicant has submitted title deeds and information pertaining to the ownership of the private drive to support the declaration of ownership in the application and this issue does not warrant further consideration by the planning authority. A grant of planning permission would not convey private access rights.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed dwelling, by reason of its scale, mass and relationship to the street scene, and design would fail to preserve or enhance the character and appearance of the Conservation Area, jarring with the existing property of The Croft and being overly dominant to South Back Lane to the detriment of the Conservation Area. The

proposed extensions to form an annexe would fail to deliver a quality of development that would preserve the character and appearance of the Conservation Area. The proposed conflict between the public and private realm and presenting a secondary elevation to South Back Lane and for these reasons would be contrary to the aims and principles of securing high quality design. The cumulative impact of the development would introduce a form and bulk of continuous development that would be out of keeping with the spacious and open nature of this part of the Conservation Area and South Back Lane. As such the proposal is contrary to policies CP1, CP4, CP16, DP1, DP10, DP28, DP32 of the Hambleton Local Development Framework and the Council's Interim Policy Guidance as well as the aims of the National Planning Policy Framework to secure high quality design and preventing harm to heritage assets.